

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SHAWN ASSELIN,)
)
Plaintiff)
)
v.) 2:15-cv-00342-JAW
)
JOSEPH FITZPATRICK, et al.,)
)
Defendants)

ORDER GRANTING LEAVE TO PROCEED
IN FORMA PAUPERIS

Plaintiff, an inmate at the Maine Correctional Center, Windham, Maine, seeks leave to proceed *in forma pauperis*. The Application to proceed *in forma pauperis* has been completed and is accompanied by a Certificate signed by an authorized individual from the Institution. The Certificate evidences that the applicant has \$6.62 in his accounts as of August 17, 2015; that over the past six months the average monthly balance in his accounts was \$431.12 and the average monthly deposits in his accounts were \$168.39.

The application is GRANTED; however, pursuant to 28 U.S.C. section 1915(b)(1), Plaintiff is required to pay the entire filing fee in this matter as funds become available. An initial partial filing fee is hereby ASSESSED in the amount of \$84.22. Plaintiff has notified the Court that he intends to go forward with this matter and incur the \$350.00 filing fee. (ECF No. 4.) The initial partial filing fee of \$84.22 shall be forwarded by the institution as soon as funds are available. Pursuant to section 1915(b)(2), subsequent payments **of twenty percent (20%) of Plaintiff's preceding month's income credited to the Plaintiff's account**, shall be forwarded directly **by the institution** each time the amount in the inmate's account exceeds \$10.00 until such time as the entire

filings fee of \$350.00 has been paid. Plaintiff is advised that, in the event he is released from incarceration prior to the filing fee of \$350.00 being paid in full, he is still required to pay the entire filing fee, absent further order of the court relieving him of the obligation.

In addition, Plaintiff is hereby on notice that the Court may dismiss this action if it:

(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted;
or

(2) seeks monetary relief from a defendant who is immune from such relief.

28 U.S.C. § 1915A(b). If the Court dismisses the action under this section, Plaintiff will still be required to pay the filing fee in full.

Further, Plaintiff is hereby on notice that a prisoner with three in forma pauperis actions dismissed under section 1915(e) may not thereafter, absent “imminent danger of serious physical injury,” file a new action without prepayment of the entire filing fee. 28 U.S.C. § 1915(g).

A copy of this Order shall be forwarded to the Business Office of the Maine Correctional Center, Windham, Maine.

SO ORDERED.

Dated this 25th day of August, 2015. /s/ John C. Nivison
U.S. Magistrate Judge